

UNITED STATES SOUTHERN DISTRICT COURT COLUMBUS, OHIO

SCOTT A. SOMMERS  
Plaintiff, pro se

2:24 CV 2 1 1 9

VS.

CASE NO. \_\_\_\_\_

JUDGE MORRISON

VILLAGE OF BARNESVILLE COUNCIL,  
BARNESVILLE, OHIO  
Defendants,

MAGISTRATE JUDGE JOLSON

PETITION FOR WRIT OF MANDAMUS

Now comes the plaintiff SCOTT A. SOMMERS, aka Scott A Wolfe with his petition for WRIT OF MANDAMUS Pursuant to RULE 21 of Federal Rules of Civil Procedures and states the following.

FACTS

- 1) Plaintiff avers this Court holds jurisdiction to issue a WRIT OF MANDAMUS on the defendants.
- 2) Plaintiff avers the defendants in case has denied every effort by the plaintiff for over 10 years to get the village in compliance with the AMERICANS WITH DISABILITY ACT in the village of Barnesville, Ohio.
- 3) Plaintiff avers he first brought the discussion to the defendants in 2013. Exhibit a, b, and c Shows the beginning of discussions. October 7, October 21 and November 18, 2013.
- 4) Plaintiff avers that during the 2013 meeting's he delivered a copy of the AMERICANS WITH

DISABILITY ACT supplied and mailed to him by the Justice Department with instructions to hand to the defendants with a response (threat) from current council member Terry McCort to red tag his building and shut his business down.

5) Plaintiff avers that a pattern of intentional conduct with Civil Rights violations has occurred out of the defendants and local law enforcement since his original presentation to council. The local police have been used as (HENCHMAN) in retaliation.

6) Plaintiff avers the village of Barnesville Ohio is in direct violation of the Americans with Disability Act with the width of the sidewalks. Making it impossible for the public to pass each other or at the least take a wheelchair or stroller down sidewalks. Exhibit d, e. f. Law requires 48-inch-wide sidewalk.

7) Plaintiff avers over 60 percent of the sidewalk corners are in violation of the Americans with Disability Act. Plaintiff asserts back in 2013 or 2014 ODOT officials stepped in and required village officials to do approximately 84 corners due to plaintiff's concerns. Since that time officials have done nothing! Unless the Court allowed retaliation as an acceptable response. Exhibits g, h, l, j, and k

8) Plaintiff avers many of the sidewalks in the Village are deteriorated or simply missing 50 to 100 ft at a time causing all wheelchairs or strollers to get stuck in mud. Violated any and all reasonable laws (State local and federal) to have sidewalks in place. Exhibit l ,m

9) Plaintiff avers many of the Village sidewalks are uplifted. By ground movement or tree roots, that prevent many citizens from using sidewalks without injury or stoppage forcing them too the street. Exhibit n. o. p

10) Plaintiff avers many of the sidewalks in the Village go obstructed with cars, and as the plaintiff Calls in the complaint they do go ignored. As unfortunate as it seems plaintiff asserts in this particular Village it is all (family) oriented in the sense officials protect their own. Exhibit q, r, s,t,u

11) Plaintiff avers that the village sidewalks have barriers and/or poles in the middle of the sidewalks preventing passage and in violation of the Americans with Disability Act, Exhibit v

12) Plaintiff avers that the police department, mayors' office and council refuse to enforce law on citizens due to a bias. A vendetta for trying to get sidewalks in compliance with Law and concern about local votes. It is a factual statement that village manager quoted to plaintiff (WE WOULD HAVE A LOT OF MAD OLD PEOPLE IN TOWN TO ENFORCE LAW). Roger Deal current Village Manager.

13) Plaintiff avers in cases such as sidewalks against towns, villages and cities many defenses' lawyers try funding issues as defense for problem. The Federal Courts do not allow such excuse. Plaintiff continues to assert in this village money is not a problem. The village enjoys gas and oil leases for at least the last ten years and has recently renewed the leases. The funds are being spent on personal interest versus public.

14) Plaintiff avers many of the sidewalks are missing to the street corners completing a block. As Ridiculous as it seems even in the school zone for the grade school. Exhibit w

15) Plaintiff avers dumpsters are permitted to obstruct the sidewalks without consequence. Forcing Public to walk on street. Exhibit x

16) Plaintiff avers all local ordinances are in compliant with state and federal laws. Local officials refuse to enforce those ordinances. Officials play verbal games like saying (how do we know when a sidewalk needs repaired} words of local police chief Rocky Sirianni. Exhibit y is an example of the deliberate game being played. The matter obviously does not require a specialist to determine.

17) Plaintiff avers he has exhausted all local remedies available to him. Has been nothing but a nightmare that has turned into an eleven-year history to date of multiple Civil Rights violations which case will come.

#### CONCLUSION

Plaintiff brought this action to this Court for reasons described here within. The sidewalk conditions in Barnesville Ohio, are inexcusable, and unconscionable. Plaintiff believes the people in power have a

To its citizens when holding official position especially when the interest of the public should be priority no matter the issue. It is inconceivable for the plaintiff to believe that any Court looking at this petition for Writ of Mandamus that the Court would not intervene or see the need to intervene. Plaintiff's' petition is based on fact and supported by local, state and most importantly federal law. More importantly Americans with Disabilities Act. Wherefore, plaintiff ask this Court to accept his petition and issue the following relief.

RELIEF AND PRAYER

- 1) Order the defendants to Enforce all local, state and federal laws on the entire Village in regard to the sidewalks.
- 2) Order defendants to repair, fix, and replace all sidewalks in violation of the Law.
- 3) Order defendants to put in place all missing sidewalks complete to corner of streets.
- 4) Order defendants to remove all obstructions on the sidewalks, cars, poles, and dumpsters.
- 5) Order defendants to put in place a maintenance program to maintain the sidewalks.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read 'Scott A Sommers', written over a horizontal line.

Scott A Sommers  
110 n Gardner street  
Barnesville Ohio 43713